

U.S. Patent Application Serial No. 10/031,287
Reply to Office Action dated January 24, 2007

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Remarks:

Applicant has read and considered the Office Action dated January 24, 2007 and the references cited therein. Claims 1, 5, 8, 12 and 17 have been amended. New claims 18-22 have been added and further distinguish over the prior art. Claim 14 has been cancelled without prejudice or disclaimer. Claims 1-13 and 15-22 are currently pending. Reconsideration and reexamination are hereby requested.

Claims 1-13 and 15-17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office Action stated that in claim 1, lines 10-12, and claim 8, lines 9-12, the phraseology "said first planar section has a first visible surface providing a first light/showdown effect in said second planar section has a second visible surface providing a second light/shadow effect" is not readily understood by the Examiner. Applicant has amended claims 1 and 8 to delete the indefinite language. Applicant asserts that the current claim language is readily understood and clarifies the surfaces and their differing appearances. Applicant asserts that the rejection under 35 U.S.C. § 112, second paragraph, has been overcome and requests that the rejection be withdrawn.

Claims 1-13 and 15-17 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action indicates that it is not readily understood how the change of direction/planar surface of a door can be provide two different visual effects. The objected to light/shadow effect language has been deleted. The first and second planar sections are arranged in different planes. Therefore, at any given moment, the light will reflect in a different manner as the angles of the two surfaces will be different. Applicant asserts that this provides a different visual effect as one of the surfaces will typically have a darker shade than the other due to a higher reflection or absorption of light than the other. Applicant asserts that this is defined further in claims 21 and 22. Applicant asserts that the

U.S. Patent Application Serial No. 10/031,287
Reply to Office Action dated January 24, 2007

rejection under 35 U.S.C. § 112, first paragraph, is overcome and requests that the rejection be withdrawn.

Claims 1-7, 10, 12, 13, 15 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Biebuyck. The Office Action states that Biebuyck fails to disclose the angle between the planar sections should be between 10 and 20 degrees. However, the Action states that it would have been obvious to provide the angle between the planar sections to be between 10 and 20 degrees since one would still see oncoming traffic beyond the opening of the building and thus preventing the doors from extending too far into a sidewalk area. Applicant asserts that the recited angle provides surprising results and the claims patentably distinguish over Biebuyck. Although the Office Action contends that it would have been obvious to change the angle to between 10 and 20 degrees, Applicant notes that Biebuyck includes Figures 2A - 2G showing multiple different configurations and Figures 3A and 3B, Figures 4, 7-8 and 9-10 showing multiple different configurations. None of the configurations appears to teach or suggest an angle of between 10 and 20 degrees.

Applicant asserts that Biebuyck uses glass doors that are transparent and those are arranged in a series and serve a substantially different purpose than the present invention. The Biebuyck doors are used at an entrance to a building from the outdoors. The present invention is directed to providing easily viewable doors with different panels having a different visual effect. The Biebuyck panels are all shown as glass and would be transparent and difficult to see. It is clear that Biebuyck is not intended to provide easy visibility from an interior room where lighting may be problematic. Applicant further asserts that Biebuyck is utilized to make access into and out of a building easier. Therefore, the angles are all substantially greater than 10 to 20 degrees. Applicant asserts that the visual effect of the series of doors of Biebuyck and the greater angle of the doors teaches away from the much flatter configuration of the present invention. Applicants assert that the angle of 10 to 20 degrees provides surprising results by obtaining sufficient visually distinguishable appearances on the two panels while maximizing

U.S. Patent Application Serial No. 10/031,287
Reply to Office Action dated January 24, 2007

available space as the doors protrude only minimally into the room. Applicant asserts that claims 1 and 8 patentably distinguish over Biebuyck and that the claims depending therefrom also patentably distinguish over Biebuyck et al.

Claims 9, 11 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Biebuyck in view of Van Sandt. Applicant asserts that Van Sandt only discloses a sensor and does not remedy the shortcomings discussed above with regard to Biebuyck. Applicant asserts that claims 9, 11 and 16 patentably distinguish over the combination Biebuyck and Van Sandt.

Applicant asserts that the improvements of the present invention are more than the predictable use of prior art elements according to their established functions. The present invention provides a substantially different function than the cited prior art and thus is nonobvious over the prior art.

Claim 8 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. Applicant thanks the Examiner for the indication of allowable subject matter. Applicant asserts that the rejection under 35 U.S.C. § 112 has been overcome. Applicant asserts that claim 8 is in condition for allowance. Applicant thanks the Examiner for the indication of allowable subject matter.

New claims 18-22 provide further advantages over the cited prior art or any combination thereof. Claims 18 and 19 further recite first and second surfaces and the creation of first and second visually distinguishable appearances by reflecting light and creating shadows. Applicant asserts that claims 18 and 19 patentably distinguish over the transparent doors of Biebuyck et al. and Van Sandt and/or any other prior art or combination thereof.

New claims 20 and 21 recite that the first and second surfaces provide a first shade and a second shade that are visually distinguishable from one another. Applicant asserts that the

U.S. Patent Application Serial No. 10/031,287
Reply to Office Action dated January 24, 2007

transparent doors of Biebuyck do not and cannot provide the same visual effect and do not serve the same purpose. Applicant asserts that claims 20-21 patentably distinguish over the prior art.

Claim 22 recites that the first and second visible surfaces are opaque surfaces. Biebuyck discloses only transparent glass doors on the exterior of a building. The opaque surfaces provide a different visual effect than the transparent surfaces of Biebuyck, which may not reflect the light at all and may be difficult to see. Applicant asserts that the transparent doors of Biebuyck teach away from the present invention and that claim 22 patentably distinguishes over the prior art.

A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: 7/24/07

By: [Signature]

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